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**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Second Amended Accusation      Case No. 1D 2001 62724  
Against:

PAUL LEONARD EDDY  
3025 Theresa Drive  
Newbury Park, CA 91320

OAH No. L-2002909553

**SECOND AMENDED  
ACCUSATION**

Physical Therapist License No. PT 8495

Respondent.

Complainant alleges:

**PARTIES**

1. Steven K. Hartzell (Complainant) brings this Second Amended Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs.

2. On or about February 14, 1978, the Physical Therapy Board of California issued Physical Therapist License Number PT 8495 to Paul Leonard Eddy (Respondent). The license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2003, unless renewed.

**JURISDICTION**

3. This Second Amended Accusation is brought before the Physical Therapy Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2609 of the Code states:

The board shall issue, suspend, and revoke licenses and approvals to practice physical therapy as provided in this chapter. @

5. Section 2620.7 of the Code states:

AA physical therapist shall document his or her evaluation, goals, treatment plan, and summary of treatment in the patient record. Patient records shall be maintained for a period of no less than seven years following the discharge of the patient, except that the records of unemancipated minors shall be maintained at least one year after the minor has reached the age of 18 years, and not in any case less than seven years.

6. Section 2660 of the Code states:

The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon, or issue subject to terms and conditions any license, certificate, or approval issued under this chapter for any of the following causes:

A . . .

A(i) Conviction of a violation of any of the provisions of this chapter or of the State Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the State

7. Section 2234 of the Code states:

AThe Division of Medical Quality shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

A . . .

A(c) Repeated negligent acts . . . .@

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### **COST RECOVERY**

8. Subdivision (a) of Code section 2661.5 states:

A(a) In any order issued in resolution of a disciplinary proceeding before the board, the board may request the administrative law judge to direct any licensee found guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable costs of the investigation and prosecution of the case.@

### **FIRST CAUSE FOR DISCIPLINE**

(Repeated Negligent Acts)

9. Respondent is subject to disciplinary action under subdivision (i) of Code section 2660, and subdivision (c) of section 2234 in that he engaged in repeated negligent acts in the care and treatment of two patients.<sup>1</sup> The circumstances are as follows:

### **Patient M.C.**

10. In or about August 1999, M.C. injured her right shoulder and underwent surgery. After the shoulder surgery, M.C. was referred to Respondent, physical therapist and clinic manager at Pacific Therapy Services, Inc., located in Santa Paula, California, for physical therapy on her right shoulder.

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1. To ensure privacy, the patients in this Second Amended Accusation will be identified by initials. The full names of the patients referred to in this Second Amended Accusation will be disclosed when discovery is provided pursuant to Government Code section 11507.6.

1                   11.     On or about October 25, 1999, M.C. met with Respondent for an initial  
2 evaluation. At that time, Respondent completed a physical therapy evaluation form. On that  
3 form, Respondent failed to note M.C.'s strength.

4                   12.     On or about April 12, 2000, Respondent completed a second physical  
5 therapy evaluation form for M.C. Again, Respondent failed to note M.C.'s strength. In  
6 addition, a pain scale was not included with the evaluation.

7                   13.     On January 1, 2001, Respondent completed a third physical therapy  
8 evaluation form for M.C. A pain scale was not included with the evaluation.

9                   14.     M.C. continued to see Respondent for physical therapy on an infrequent  
10 basis through January 11, 2001. During that time, Respondent utilized mobilization techniques  
11 which M.C. found to be painful. In addition, a number of the mobilization techniques utilized by  
12 Respondent required that he be within very close proximity to M.C. This close proximity left  
13 M.C. feeling uneasy and uncomfortable.

14                  15.     Over the course of M.C.'s physical therapy sessions with Respondent,  
15 Respondent did not discuss with M.C. the level of pain to be expected, the necessity for his close  
16 proximity to her during the techniques, and necessary hand placement during mobilization  
17 techniques.

18                  16.     Respondent was negligent in his care and treatment of M.C. based on the  
19 following acts and omissions:

20                         1.     Respondent failed to advise M.C. of necessary hand placement  
21 during mobilization techniques;

22                         2.     Respondent failed to advise M.C. of how much distance was  
23 necessary between them prior to utilizing mobilization techniques;

24                         3.     Respondent failed to explain the techniques in a manner which  
25 would allow M.C. to anticipate pain; and

26                         1.     Respondent failed to document a complete physical therapy

1 evaluation.

2 **Patient P.D.**

3 17. On or about November 6, 2001, P.D., a supervising investigator with the  
4 Department of Consumer Affairs, Division of Investigation, participated in an undercover  
5 operation by posing as a patient needing shoulder rehabilitation from Respondent. P.D. met with  
6 Respondent for her first scheduled physical therapy appointment and continued to see  
7 Respondent for two additional physical therapy sessions. During the physical therapy sessions,  
8 Respondent utilized a number of the mobilization techniques which required that he be within  
9 very close proximity to P.D.

10 18. In the physical therapy evaluation form dated November 6, 2001,  
11 Respondent failed to indicate whether strength testing was conducted and/or the results of such  
12 testing. However, Respondent noted Acapsular stiffness@ on the evaluation form.

13 19. In the daily note dated November 14, 2001, Respondent wrote, Aimproved  
14 capsular mobility,@ but failed to write the location of the capsule which had stiffness, which part  
15 of the capsule remained stiff, and which part of the capsule saw improvements. Respondent also  
16 noted Aless [shoulder] pain during activity,@ but failed to provide a reference for comparison to  
17 P.D.=s initial evaluation.

18 20. In the daily note dated November 16, 2001, Respondent wrote Acontinue  
19 to have better strength,@ but again failed to make any comparisons to the initial evaluation.

20 21. At no time during the physical therapy sessions did Respondent explain to  
21 P.D. the need for close proximity between them during the mobilization techniques and  
22 necessary hand placement during mobilization techniques.

23 22. Respondent was negligent in his care and treatment of P.D. based on the  
24 following acts and omissions:

25 1. Respondent failed to advise P.D. of necessary hand placement  
26 during mobilization techniques;

27

- 1                   2.       Respondent failed to advise P.D. of how much distance was  
2 necessary between them prior to utilizing mobilization techniques; and  
3                   3.       Respondent failed to document a complete physical therapy  
4 evaluation.

5                   **SECOND CAUSE FOR DISCIPLINE**

6                   (Failure to Document Complete Physical Therapy Evaluation )

- 7                   23.       Respondent is subject to disciplinary action under section 2620.7 in that  
8 he failed to document a complete physical therapy evaluation. The circumstances are as follows:

9                   **Patient M.C.**

- 10                  24.       The facts and allegations in paragraphs 10 through 13, inclusive, are  
11 incorporated here by reference.

12                  **Patient P.D.**

- 13                  25.       The facts and allegations in paragraphs 17 through 20, inclusive, are  
14 incorporated here by reference.

15                  **THIRD CAUSE FOR DISCIPLINE**

16                  (Unprofessional Conduct)

- 17                  26.       Respondent is subject to disciplinary action under sections 2660,  
18 subdivision (i), and 2234 of the Code in that he has engaged in unprofessional conduct. The  
19 circumstances are as follows:

- 20                  27.       The facts and allegations in paragraphs 10 through 25, inclusive, are  
21 incorporated here by reference.

22                  **PRAYER**

23                  WHEREFORE, Complainant requests that a hearing be held on the matters herein  
24 alleged, and that following the hearing, the Physical Therapy Board of California issue a  
25 decision:

- 26                  1.       Publicly reprimanding Physical Therapist License Number PT 8495,

1 issued to Paul Leonard Eddy;

2                   2.       Ordering Paul Leonard Eddy to pay the Physical Therapy Board of  
3 California the reasonable costs of the investigation and enforcement of this case, pursuant to  
4 Business and Professions Code section 2661.5;

5                   3.       Taking such other and further action as deemed necessary and proper.

6 DATED: 04/24/03

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Original Signed By  
STEVEN K. HARTZELL  
Executive Officer  
Physical Therapy Board of California  
Department of Consumer Affairs  
State of California  
Complainant